

and municipality to the lesser of a percentage of the entity's property value or 60 percent of the entity's county and municipal aid payment in 2011.

**\*\*\* ANALYSIS FROM -1053/5 \*\*\***

## **NATURAL RESOURCES**

### **OTHER NATURAL RESOURCES**

#### ***Land acquisition using stewardship moneys***

Current law authorizes the state to incur public debt by issuing bonds for certain conservation activities under the stewardship program, which DNR administers. The state may authorize bonds to acquire state land or easements that are under the jurisdiction of DNR for areas such as state forests and state parks and the Lower Wisconsin State Riverway. Also, currently under the stewardship program, DNR may issue bonds to award grants or state aid to certain governmental units and to nonprofit conservation organizations in order to acquire lands, easements, or development rights.

This bill limits acquisitions of land, easements, and other rights or interests in land under the stewardship program to only acquisitions of land in fee simple and acquisitions of certain easements for forestry purposes (forestry easements), easements for state trails or the ice age trail, and easements that are necessary to provide access to lands or waters that are required to be open to the public for which there is no public access or limited public access. An acquisition of land in fee simple is one where all the rights in the land are acquired as opposed to the acquisition of just an easement or development rights. Under the bill, an easement acquired for a state trail, for the ice age trail, or to provide access to land or a body of water may not be more than five acres in size.

The bill requires a city, village, town, or county to adopt a nonbinding resolution that either supports or opposes a proposed acquisition of land or easement and requires DNR to consider the resolution in determining whether to approve the acquisition. This requirement does not apply to forestry easements.

Under current law, lands and certain easements on lands, acquired under the stewardship program must be open to the public for nature-based outdoor activities such as hunting, fishing, hiking, and cross-country skiing unless the DNR board determines that the land may be closed to protect public safety or a unique animal or plant community or to accommodate usership patterns such as conflicts between these types of activities (reasons for prohibiting public access). This bill eliminates the accommodation of usership patterns as a reason for prohibiting public access with respect to lands, or easements on lands, that are not acquired for a state trail or the ice age trail and that are acquired after the bill becomes law.

#### ***Joint finance review of stewardship acquisitions***

Under current law, if a land acquisition or development project under the stewardship program costs more than \$750,000, DNR cannot obligate money from the stewardship fund for that activity until DNR gives written notice of the proposed activity to JCF. JCF may schedule a meeting to review the proposal only if at least five members of JCF, one of whom is a cochairperson, object in writing to the proposed activity. If the cochairpersons of JCF do not notify DNR within 14 working days after

the date of DNR's notification that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money. If the cochairpersons notify DNR that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money only if JCF approves the proposed activity or if JCF fails to hold the meeting within a specific number of working days. This bill decreases the \$750,000 threshold amount to \$250,000.

***Aid in lieu of taxes for DNR lands***

Under current law, land that DNR purchases is not subject to property taxes. Instead, DNR makes annual payments to municipalities for each parcel of land that the DNR has purchased in those municipalities. The payment amount is determined, generally, by multiplying the parcel's estimated value by the aggregate net general property tax rate that would apply to the parcel if it were subject to property taxes. This bill eliminates those payments for land purchased after the bill's effective date.

**\*\*\* ANALYSIS FROM -1061/P1 \*\*\***

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, DPI must award a grant to each person employing an initial educator for the purpose of providing a mentor for the initial educator. This bill repeals the initial educator grant program and the appropriation used to fund the program beginning in the 2012-13 fiscal year.

**\*\*\* ANALYSIS FROM -1088/1 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, certain administrative services functions are performed in the Office of the Secretary of State. This bill transfers those functions, as determined by the secretary of administration, together with all assets and liabilities, tangible personal property, contracts, rules and orders, and pending matters that are primarily related to those functions, as determined by that secretary, to DOA. The bill, however, does not transfer any positions relating to those functions.

**\*\*\* ANALYSIS FROM -1089/1 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, certain management service functions are performed in the Office of the State Treasurer. This bill transfers those functions, as determined by the secretary of administration, together with all assets and liabilities, tangible personal property, contracts, rules and orders, and pending matters that are primarily related to those functions, as determined by that secretary, to DOA. The bill, however, does not transfer any positions relating to those functions.

**\*\*\* ANALYSIS FROM -1090/2 \*\*\***

## STATE GOVERNMENT

### OTHER STATE GOVERNMENT

Under current law, the civil service is divided into the unclassified service and the classified service. The unclassified service comprises various positions, including one stenographer appointed by each elective executive officer. This bill eliminates from the unclassified service one stenographer appointed by the secretary of state and one stenographer appointed by the state treasurer.

\*\*\* ANALYSIS FROM -1097/2 \*\*\*

## EDUCATION

### OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Arts Board is attached to the Department of Tourism, which means that the Arts Board exercises its powers, duties, and functions, including rule making and operational planning, independently of the secretary of tourism, except that budgeting, program coordination, and related management functions are performed under the direction and supervision of the secretary of tourism. Current law also requires the Arts Board to appoint an executive secretary to serve at its pleasure.

This bill places the Arts Board *in* the Department of Tourism, which means that the Arts Board exercises all of its powers, duties, and functions under the direction and supervision of the secretary of tourism. The bill also transforms the appropriations to the Arts Board into appropriations to the Department of Tourism and moves the statutory provisions governing the powers, duties, and functions of the Arts Board from the chapter of the statutes relating to historical societies and the Arts Board to the chapter of the statutes relating to the Department of Tourism. In addition, the bill requires the secretary of tourism, rather than the Arts Board to appoint an executive director of the Arts Board to serve at the pleasure of the secretary.

Current law requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a state building to be used to acquire works of art for the building (Percent for Art Program). That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. Under the Percent for Art Program, the Arts Board must select the work of art to be incorporated into the project and contract to procure the work of art. After acquisition of the work of art, the Arts Board must ensure that the work of art is properly executed and installed in public view, is properly maintained and not artistically altered without the consent of the artist, and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest. If a work of art is removed from a state building, the Arts Board must loan the work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

This bill eliminates the Percent for Art Program, except that for a work of art acquired before the effective date of the bill, the bill maintains the requirements that the Arts Board ensure that the work of art is properly maintained and not artistically

altered without the consent of the artist and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest, and that the Arts Board loan a removed work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

**\*\*\* ANALYSIS FROM -1104/P2 \*\*\***

## **JUSTICE**

Under current law, the Office of Justice Assistance within DOA provides, in each fiscal year, a \$20,000 grant to 14 child advocacy centers within the state for education, training, medical advice, and quality assurance. This bill reduces that amount to \$17,000 in each fiscal year.

**\*\*\* ANALYSIS FROM -1136/P1 \*\*\***

## **CORRECTIONAL SYSTEM**

### **ADULT CORRECTIONAL SYSTEM**

This bill changes, from annual to biennial, the appropriation for the general program operations of DOC.

**\*\*\* ANALYSIS FROM -1142/P1 \*\*\***

## **STATE GOVERNMENT**

### **OTHER STATE GOVERNMENT**

Under current law, DOA administers a program for making grants from the utility public benefits fund (UPBF) to provide assistance to low-income households for the following: 1) weatherization and other energy conservation services (weatherization and conservation assistance); and 2) payment of energy bills and early identification or prevention of energy crises (bill and crisis assistance). In each fiscal year, DOA must ensure that the amount spent under the program on grants for weatherization and conservation assistance is equal to 47 percent of the sum of the following: 1) the amounts received under certain federally funded weatherization and energy-assistance programs; 2) the amount spent by certain electric and natural gas utilities on assistance to low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members. As a result, 53 percent of the above sum is available to be spent on grants under the program for bill and crisis assistance.

However, in fiscal years 2009-10 and 2010-11, current law allowed DOA to subtract no more than \$10,000,000 from the amount that must be spent on weatherization and conservation assistance under the program. As a result, any amount subtracted by DOA was available to be spent on bill and crisis assistance. This bill allows DOA to make the same \$10,000,000 subtraction in fiscal years 2011-12 and 2012-13.

**\*\*\* ANALYSIS FROM -1146/1 \*\*\***

## HEALTH AND HUMAN SERVICES

### WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Limiting the length of time during which a participant may participate in a trial job to three months and in a trial job placement to 24 months; limiting the length of time during which a participant may participate in a community service job to six months and in a community service job placement to 24 months; and limiting the length of time during which a participant may participate in a transitional placement to 24 months.

2. Providing that a participant in a community service job placement may be required to engage in certain job-related activities for up to 30 hours per week and in educational or training activities for up to ten hours per week and that a participant in a transitional placement may be required to engage in certain specified activities for up to 28 hours per week and in education or training activities for up to 12 hours per week.

3. Reducing the maximum monthly grant received by a participant in a community service job placement from \$673 to \$653 and by a participant in a transitional placement from \$628 to \$608.

4. Eliminating the requirement that DCF make certain determinations, such as whether good cause exists for a participant's failure to participate and that the services offered to a participant are appropriate for him or her, before determining that a participant is ineligible for three months to participate in W-2 due to a failure to participate in an assigned placement.

5. Eliminating the requirement that, before a participant who has refused to participate in an assigned placement loses eligibility for three months, he or she must be given a conciliation period during which he or she must participate in all assigned activities. The participant is still allowed a reasonable time, however, to rectify his or her deficiency and avoid the loss of eligibility.

6. Eliminating the requirement that, after a W-2 agency has provided written notice to a W-2 participant whose benefits are about to be reduced by at least 20 percent or whose eligibility is about to be terminated, the W-2 agency also must orally explain the proposed action.

The bill also eliminates the transitional jobs demonstration project, under which DCF provides wage subsidies to employers who employ eligible individuals. The demonstration project was to provide up to 2,500 transitional jobs in certain specified counties to low-income adults who are ineligible for W-2 or unemployment insurance benefits. The demonstration project was being conducted with federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009.

**\*\*\* ANALYSIS FROM -1147/1 \*\*\*****TAXATION****INCOME TAXATION**

Under federal law, the earned income tax credit (EITC) is a refundable tax credit for low-income workers. If the amount of the claim exceeds the worker's tax liability, the claimant receives a check for the excess amount from the Internal Revenue Service. The amount of the credit for which a claimant is eligible is based, in part, on whether the claimant has no qualifying children, one qualifying child, or more than one qualifying child.

Under current law, the refundable Wisconsin EITC may be claimed in an amount equal to a certain percentage of the federal basic EITC. To be eligible for the Wisconsin EITC, an individual must have one or more qualifying children. The Wisconsin EITC is equal to 4 percent of the federal credit if the claimant has one qualifying child, 14 percent of the federal credit if the claimant has two qualifying children, and 43 percent of the federal credit if the claimant has three or more qualifying children.

This bill changes the percentages of the federal credit that may be claimed under Wisconsin law. Under this bill, for taxable years starting after December 31, 2010, the Wisconsin EITC is equal to 5 percent of the federal credit if the claimant has one qualifying child, 8 percent of the federal credit if the claimant has two qualifying children, and 40 percent of the federal credit if the claimant has three or more qualifying children.

**\*\*\* ANALYSIS FROM -1148/1 \*\*\*****TAXATION****INCOME TAXATION**

Under current law, for claims filed in 2011, based on property taxes or rent constituting property taxes from the prior year, the homestead tax credit threshold income is \$8,060, the maximum property taxes, or rent constituting property taxes, that a claimant may use in calculating his or her credit are \$1,460, and the maximum household income is \$24,680. Under the current law formula, as a claimant's income exceeds \$8,060, the credit is phased out until the credit equals zero when income exceeds \$24,680. Also under the formula, if the household income is \$8,060 or less, the credit is 80 percent of the property taxes accrued or rent constituting property taxes accrued. Using the formula, the credit that may be claimed ranges from \$10 to \$1,168. Also under current law, for claims filed in 2011 and thereafter, the maximum household income, maximum property taxes, and maximum household income are all indexed for inflation.

Under this bill, the indexing provisions are repealed and, for claims filed in 2011 and thereafter, the threshold income is \$8,060, the maximum property taxes, or rent constituting property taxes, that a claimant may use in calculating his or her credit are \$1,460, and the maximum household income is \$24,680.

**\*\*\* ANALYSIS FROM -1156/1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **PUBLIC ASSISTANCE**

Under current law, DHS pays the cost of medical treatment for persons with chronic kidney disease at a rate equal to the allowable charges under Medicare. This bill provides that DHS will pay for medical treatment for such persons at a rate that is determined by DHS and that does not exceed the allowable charges under Medicare.

**\*\*\* ANALYSIS FROM -1166/1 \*\*\***

### **RETIREMENT AND GROUP INSURANCE**

This bill specifies that the Health Insurance Risk-Sharing Plan Authority (HIRSPA) is not required to pay employer contributions for any benefits related to the sick leave conversion program or the supplemental health insurance premium credit program, which are administered by DETF. Employees of HIRSPA are not eligible for these programs.

**\*\*\* ANALYSIS FROM -1167/2 \*\*\***

### **TRANSPORTATION**

#### **HIGHWAYS**

Under current law, the state may contract up to \$504,712,200 in public debt to fund state highway rehabilitation projects. This bill increases this authorized general obligation bonding limit by \$115,351,500.

**\*\*\* ANALYSIS FROM -1168/1 \*\*\***

### **TRANSPORTATION**

#### **HIGHWAYS**

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the Transportation Projects Commission (TPC) and the legislature before the project may be constructed. This bill adds four major highway projects recommended by TPC to the current list of enumerated projects already approved for construction.

**\*\*\* ANALYSIS FROM -1183/P1 \*\*\***

### **EDUCATION**

#### **PRIMARY AND SECONDARY EDUCATION**

Under current law, the Indoor Environmental Quality in Schools Task Force, established by the state superintendent of public instruction is required to make recommendations to DPI for the development of a model management plan for maintaining indoor environmental quality in public and private schools. DPI must, in turn, establish such a model management plan and practices. Each school board and the governing body of each private school that is participating in the Milwaukee Parental Choice Program (MPCP) must implement a plan for maintaining indoor environmental quality in its school or schools.

This bill eliminates the requirement that DPI establish a model management plan and practices and also the requirements that each school board and the governing body of each private school participating in the MPCP implement a plan for maintaining indoor environmental quality in its school or schools.

**\*\*\* ANALYSIS FROM -1184/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, a school nurse is defined to mean a registered nurse licensed either under state law or in a party state under the Nurse Licensure Compact who also meets qualifications established by DPI by rule. This bill eliminates the requirement that a person meets qualifications established for school nurses by DPI.

**\*\*\* ANALYSIS FROM -1185/2 \*\*\*****VETERANS AND MILITARY AFFAIRS**

This authorizes DVA to transfer the unencumbered balances to the veterans trust fund from certain appropriations in the general fund that provide funding for the veterans homes operated by DVA.

**\*\*\* ANALYSIS FROM -1187/P4 \*\*\*****EDUCATION****HIGHER EDUCATION**

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, 13 two-year colleges, and the UW-Extension. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. Three boards are created in or attached to the UW System: the Environmental Education Board, the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

This bill creates an authority entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The bill also creates a board of trustees to govern the authority. Twenty-one members, 11 of whom are appointed by the governor, and the chancellor, who serves as a nonvoting member, comprise the Board of Trustees. The chancellor is appointed by the Board of Trustees to serve at its pleasure and is the chief executive officer of the authority. The bill establishes a shared, hierarchical governance system for the authority, consisting of the Board of Trustees, the chancellor, the faculty, and the academic staff and students.

The bill transfers all assets and liabilities of the current UW-Madison, including real property, and all incumbent UW-Madison employees to the authority. Until July 1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July 1, 2012, the authority must implement its own personnel system. Tenured faculty at the current UW-Madison retain their tenure at the authority. The authority remains a participating employer in the Wisconsin Retirement System and authority employees retain health insurance and other benefits enjoyed as state employees. All contracts entered into by the Board of Regents that are primarily



related to the operation of the current UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

The bill does not require the Board of Trustees to promulgate administrative rules except for rules relating to conduct on university property. The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill does not impose these restrictions on the establishment of tuition by the Board of Trustees.

The bill appropriates general purpose revenue, program revenue, and moneys from segregated funds to the authority. The authority is not required to deposit moneys that it receives, such as tuition, gifts, grants, and federal revenue, into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. The bill authorizes the Board of Trustees to transfer gifts, grants, and donations to the UW Foundation.

The bill exempts the Board of Trustees from DOA's authority over state agency use of gasohol, alternative fuels, and hybrid-electric vehicles. The bill also exempts authority employees from certain requirements regarding employment or retention by another state agency or authority.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfers their functions to the authority. The bill directs the Board of Trustees, instead of the Board of Regents, to appoint the director of the laboratory of hygiene, the director of the psychiatric institute, the state geologist, and the state cartographer.

The bill makes other changes regarding the UW-System and the UW-Madison, including the following:

1. The bill transfers loan assistance programs for physicians and other health care providers, but not dentist and dental hygienist programs, from the Board of Regents to the Board of Trustees.

2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the

attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under the bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of the foregoing requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under the bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

## **STATE GOVERNMENT**

### **STATE BUILDING PROGRAM**

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA must grant preference to Wisconsin-based firms under certain

conditions and must attempt to ensure that 5 percent of the total amount that the state expends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

This bill deletes DOA's and the governor's responsibility for management and supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the authority if the project is funded entirely from sources other than state general purpose revenue or general fund supported bonding. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project does not exceed \$500,000. Under the bill, the authority is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility that is constructed for the benefit of the UW System without approval of the Building Commission. Under the bill, this restriction does not apply to the authority. Currently, no state agency, including the UW System, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the authority.

#### **STATE FINANCE**

Currently, the secretary of administration may reallocate moneys from state funds or accounts to other state funds and accounts to cover deficiencies, subject to certain limitations, and may reallocate an amount equal to not more than 3 percent of current general purpose revenue appropriations to the general fund for not more than 30 days. This bill increases that amount to not more than 6 percent of current general purpose revenue appropriations.

#### **OTHER STATE GOVERNMENT**

Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Under current law, the chancellor of the UW-Madison and the vice chancellor who serves as deputy are subject to the standards of conduct under the code of ethics for state public officials as well as the requirement to file annual statements of economic interests. Other employees of the UW-Madison are subject to a code of ethics established by the Board of Regents of the UW System. This bill continues coverage of the chancellor and vice chancellor under the code of conduct but not

under the filing requirement and directs the Board of Trustees of the authority to establish a code of ethics for other employees of the authority.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW System, for its risk management costs. This bill permits the authority with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. Under this bill, the authority may make a purchase without inviting bids or proposals if the estimated cost does not exceed \$50,000.

**\*\*\* ANALYSIS FROM -1188/1 \*\*\***

**EDUCATION**

**HIGHER EDUCATION**

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant full remission of academic fees charged for up to 128 credits or eight semesters, whichever is longer, less the amount of any academic fees paid under the federal Reserve Officer Training Corps (ROTC) Program, the federal Veterans Vocational Rehabilitation Act, or the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the "New GI Bill," to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes; or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, "academic fees" includes nonresident tuition.

This bill requires the Board of Regents and a district board to grant full remission of academic fees charged for 128 credits or eight semesters, whichever is longer, without regard to the number of credits or semesters for which the student received educational assistance under those federal programs.

**\*\*\* ANALYSIS FROM -1189/1 \*\*\***

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Currently, any person who seeks to teach in a public school, including a charter school, must hold a license or permit issued by DPI. This bill exempts teachers in independent charter schools from this requirement. An independent charter school is one established by or under contract with the city of Milwaukee, UW-Milwaukee, UW-Parkside, or Milwaukee Area Technical College. The bill requires a teacher in

an independent charter school to have a bachelor's degree from an accredited institution of higher education.

**\*\*\* ANALYSIS FROM -1192/P2 \*\*\***

## **EDUCATION**

### **PRIMARY AND SECONDARY EDUCATION**

This bill creates an appropriation to fund the work of a task force to be created by the governor to assess and improve literacy in elementary school children.

**\*\*\* ANALYSIS FROM -1195/1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **PUBLIC ASSISTANCE**

Under current law, DHS administers the Supplemental Nutrition Assistance Program, formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. This bill transfers the administration of FoodShare to DCF on January 1, 2013. This bill also updates terminology related to the former food stamp program to be consistent with current federal law.

**\*\*\* ANALYSIS FROM -1197/1 \*\*\***

## **EDUCATION**

### **OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, there is appropriated to the Higher Educational Aids Board (HEAB) a sum sufficient equal to \$37,750,000 in the 2009-10 fiscal year, equal to \$58,345,400 in the 2010-11 fiscal year, and, in subsequent years, equal to the amount calculated by adding the average percentage increase in undergraduate academic fees at the institutions within the UW System to the amount appropriated in the previous year. This bill appropriates to HEAB a sum sufficient equal to \$58,345,400 in each of fiscal years 2011-12 and 2012-13.

**\*\*\* ANALYSIS FROM -1203/1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **WISCONSIN WORKS**

Current law allocates federal Child Care and Development block grant (CCDBG) funds, within the limits of availability, for a number of purposes, including at least \$3,475,000 for a child care scholarship and bonus program. Current law also prohibits DCF from transferring any federal Temporary Assistance for Needy Families (TANF) block grant funds received by DCF to CCDBG funds received by DCF for the child care scholarship and bonus program. This bill eliminates that prohibition.

**\*\*\* ANALYSIS FROM -1204/1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, under a W-2 program known as Wisconsin Shares, an individual who is

the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria.

This bill authorizes DCF, which administers the Wisconsin Shares child care subsidy program, to do any of the following to reduce costs under the program:

1. Implement a waiting list.
2. Increase the copayments that individuals who receive a subsidy pay.
3. Adjust the amount of reimbursement paid to child care providers.
4. Adjust the gross income levels for eligibility for subsidies.

**\*\*\* ANALYSIS FROM -1205/1 \*\*\***

### **EDUCATION**

#### **PRIMARY AND SECONDARY EDUCATION**

This bill prohibits a school board from requiring, as a condition of employment, that a teacher reside within the school district. The bill defines "teacher" as any person whose employment by a school district requires that he or she hold a license or permit issued by the state superintendent of public instruction.

**\*\*\* ANALYSIS FROM -1206/1 \*\*\***

### **INSURANCE**

The state life insurance fund (fund), administered by OCI, may issue any type of life insurance policy, with a limit not exceeding \$10,000, to any state resident. Premiums are paid into the fund, and net profits are distributed annually among policyholders. This bill prohibits the fund from accepting any more applications for life insurance on or after the effective date on which this bill becomes a law and allows the fund to issue life insurance policies on or after the effective date on which this bill becomes a law only on the basis of applications that were received before the effective date on which this bill becomes a law.

**\*\*\* ANALYSIS FROM -1213/1 \*\*\***

### **EDUCATION**

#### **PRIMARY AND SECONDARY EDUCATION**

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

**\*\*\* ANALYSIS FROM -1214/1 \*\*\***

### **EDUCATION**

#### **HIGHER EDUCATION**

This bill modifies the appropriation to the UW System for the minority undergraduate grant program called Lawton grants from a sum sufficient to a sum certain.

**\*\*\* ANALYSIS FROM -1215/P2 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Current law allows an eligible school board that has entered into a five-year renewable student achievement guarantee (SAGE) contract with DPI to receive \$2,250 for each low-income pupil enrolled in a grade eligible for SAGE funding if the school board reduces class size in the eligible grade to 18 pupils; grades kindergarten to third grade are grades eligible for SAGE funding. Current law permits a school board to renew a SAGE contract and receive payments under that renewed contract if the school board maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract.

Under this bill, beginning in the 2011-12 school year, only grades kindergarten, one, and two will be grades eligible for SAGE funding; beginning in the 2012-13 school year, only grades kindergarten and one will be grades eligible for SAGE funding. School districts operating under a SAGE contract will not be required to maintain a reduced class size in grades for which SAGE funding is withdrawn.

**\*\*\* ANALYSIS FROM -1216/P1 \*\*\*****STATE GOVERNMENT****OTHER STATE GOVERNMENT**

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited. This bill increases that \$25,000 threshold to \$50,000.

**\*\*\* ANALYSIS FROM -1218/P1 \*\*\*****TAXATION****OTHER TAXATION**

Under current law, certain aircraft, motor vehicles, and truck bodies that are sold in this state, but used outside this state, are exempt from state and local sales and use taxes. This bill exempts from state and local sales and use taxes modular and manufactured homes that are sold in this state, but used outside this state.

**\*\*\* ANALYSIS FROM -1219/P2 \*\*\*****TAXATION****OTHER TAXATION**

This bill exempts from state and local sales and use taxes vegetable oil or animal fat that is converted into motor vehicle fuel that is exempt from motor vehicle fuel taxes because it is used by an individual in his or her personal motor vehicle.

**\*\*\* ANALYSIS FROM -1220/P1 \*\*\*****TAXATION****OTHER TAXATION**

Under current law, generally, a railroad company pays public utility taxes based on the value of its property in this state, rather than general local property

taxes. All such taxes paid by railroad companies are annually distributed to the towns, villages, and cities in which railroad company property is located. This bill provides that, beginning in 2011, the amount of such taxes distributed to each town, village, or city is no less than the amount distributed to each town, village, or city in 2010.

**\*\*\* ANALYSIS FROM -1221/2 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, DOA must contract with one or more child care providers to supplement the cost of providing suitable space for child care services provided to the children of employees of state agencies whose work stations are located in the central Madison area. DOA must assess the costs of providing child care services to state agencies on an equitable basis as determined by DOA, and the agencies may draw upon program supplement appropriations to finance any unbudgeted costs for these assessments. This bill eliminates DOA's authority to enter into these contracts and to provide child care facilities for state employees.

**\*\*\* ANALYSIS FROM -1224/P2 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Current law creates the Office of Energy Independence (OEI) in DOA and requires OEI to work on and facilitate the implementation of initiatives with certain goals regarding the state's energy independence, bioindustry and biorefineries, renewable energy markets, alternative energy research, and motor vehicle fuels that blend gasoline and certain biofuels. Current law also requires OEI to do the following: 1) serve as a single point of contact for assistance in biodevelopment, energy efficiency, and energy independence; 2) develop energy independence policy options; 3) identify and facilitate federal funding opportunities; 4) perform duties to maintain federal energy funding; 5) pursue, in cooperation with DATCP, the establishment and maintenance of sufficient alternative fuel refueling facilities to meet the traveling needs of the public; 6) adopt and implement a plan to facilitate usage of alternative fuels in state-owned vehicles; and 7) coordinate with other state agencies the preparation of a biennial strategic assessment for biomass used to produce energy. This bill eliminates OEI and all the foregoing duties, and requires DOA to develop and implement a cost-effective, balanced, reliable, and environmentally responsible energy strategy to promote economic growth.

Current law also requires DOA to require that state agencies take certain actions regarding hybrid-electric motor vehicles and using gasohol and other alternative fuels instead of gasoline and diesel fuel. This bill requires DOA, whenever feasible and cost-effective, to encourage, rather than require, state agencies to take the actions. The bill also changes deadlines for reducing the usage of gasoline and diesel fuel in state-owned vehicles. Under current law, DOA must require that, by 2015, state agencies collectively reduce the usage of gasoline by at least 50 percent below the total used in 2006 and reduce the usage of diesel fuel by at least 25 percent below the total used in 2006. Under this bill, DOA must



encourage, rather than require, that, by 2015, state agencies collectively reduce the usage of gasoline by at least 20 percent below the total used in 2006 and reduce the usage of diesel fuel by at least 10 percent below the total used in 2006. The bill also eliminates a requirement for DOA to submit an annual report to the legislature regarding the state's usage of hybrid-electric motor vehicles and gasohol and alternative fuels.

**\*\*\* ANALYSIS FROM -1231/1 \*\*\***

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Higher Educational Aids Board (HEAB), with the assistance of the Office of the Wisconsin Covenant Scholars Program in DOA (office), administers the Wisconsin Covenant Scholars Program, under which: 1) HEAB awards grants to resident students who are enrolled at least half time in public or private, nonprofit, accredited institutions of higher education or in tribally controlled colleges in this state; 2) DOA promulgates rules to implement the program; and 3) the office designates students as Wisconsin covenant scholars, coordinates activities to promote attendance at nonprofit postsecondary institutions of higher education in this state, and performs certain other duties relating to the administration of the program.

This bill eliminates the office and the promotional activities performed by the office and transfers to HEAB the duties of designating students as Wisconsin covenant scholars, promulgating rules to implement the program, and otherwise administering the program. The bill also prohibits students from enrolling in the Wisconsin Covenant Scholars Program after September 30, 2011. After that date, HEAB may designate a student as a Wisconsin covenant scholar only if the student enrolled in the Wisconsin Covenant Scholars Program by that date.

**\*\*\* ANALYSIS FROM -1242/P1 \*\*\***

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence.

Under current law, if the estimated cost of transporting a pupil to a private school is more than 1.5 times the school district's average cost per pupil for bus transportation, the school board may fulfill its obligation to transport the pupil by contracting with the pupil's parent or guardian. Except as provided below, the contract must provide for an annual payment for each pupil of at least \$5 times the number of miles between the pupil's residence and the private school, or the school district's average cost per pupil for bus transportation, whichever is greater.

In a first class city school district (currently, only the Milwaukee Public Schools), if two or more pupils reside in the same household and attend the same private school, the contract may, at the discretion of the school board, provide for a total annual payment of the amount described above for all of the pupils instead of for each of the pupils. This bill extends this provision to all school districts.

**\*\*\* ANALYSIS FROM -1243/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before the seventh calendar day after the day of the general election.

**\*\*\* ANALYSIS FROM -1244/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

**\*\*\* ANALYSIS FROM -1245/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, no school bus driver, school district employee, or volunteer may administer medications, including prescription and nonprescription drug products, unless the person has received training approved by DPI. This bill eliminates the requirement that DPI approve the training.

**\*\*\* ANALYSIS FROM -1246/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, private schools participating in the Milwaukee Parental Choice Program (MPCP) must annually submit to DPI evidence of sound fiscal practices and financial viability, as prescribed by DPI by rule. DPI's administrative rules set forth circumstances that would indicate that a private school participating in the MPCP does not have sound fiscal practices or is not financially viable.

This bill establishes circumstances that would indicate that a private school participating in the MPCP does not possess sound fiscal practices or the financial ability to continue educational programming operations.

**\*\*\* ANALYSIS FROM -1247/P1 \*\*\*****EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Under current law, DPI must promulgate administrative rules governing the Milwaukee Parental Choice Program (program). This bill requires DPI to notify each private school participating in the program, and the parents and guardians of pupils attending a private school under the program, of any changes to the program prior to the school year in which the change is to take effect.

**\*\*\* ANALYSIS FROM -1252/P3 \*\*\*****STATE GOVERNMENT****OTHER STATE GOVERNMENT**

Under current law, DOA must approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA written justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the Office of State Employment Relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and ensure that the contract does not conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

**\*\*\* ANALYSIS FROM -1253/P1 \*\*\*****EDUCATION****OTHER**

Under current law, two or more collective bargaining units consisting of school district employees may combine into one collective bargaining unit if a majority of members of each vote in favor of combination. This bill repeals that option.

**\*\*\* ANALYSIS FROM -1258/2 \*\*\*****INSURANCE**

Current law requires health insurance policies, including defined network plans and voluntary nonprofit health care plans operated by a cooperative association, and self-insured governmental and school district health plans to cover the cost of contraceptives prescribed by a health care provider and of outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive. This bill eliminates these requirements.

**\*\*\* ANALYSIS FROM -1259/P3 \*\*\*****STATE GOVERNMENT****OTHER STATE GOVERNMENT**

Under current law, a state agency purchasing equipment that consumes energy, such as equipment to provide heating, lighting, ventilation, cooling, or refrigeration, must meet certain energy efficiency standards. This bill exempts from the standards purchases that cost \$5,000 or less per unit.

**\*\*\* ANALYSIS FROM -1260/P3 \*\*\*****TAXATION****INCOME TAXATION**

This bill adopts, for state income and franchise tax purposes, recent changes made to the federal Internal Revenue Code related to tax credit bonds, allowing Roth

individual retirement accounts in certain retirement plans, annuity contracts, long-term care annuities and not including in income health insurance provided to adult children.

**\*\*\* ANALYSIS FROM -1262/1 \*\*\***

**VETERANS AND MILITARY AFFAIRS**

Currently, DVA operates two veterans homes in the state, one at King and the other at Union Grove. Operation of veterans homes includes hiring personnel and providing services to the residents of the home. A third home, that has not yet been opened, is to be located in Chippewa Falls. For this third home, in lieu of DVA operating the home, DVA may contract with a private entity to operate the home. The bill also specifically requires the Legislative Audit Bureau, at the request of the governor or the legislature, to conduct one or more financial audits of the operation of the Chippewa Falls home by a private entity.

**\*\*\* ANALYSIS FROM -1263/P2 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill requires DOA to maintain a list of parties who have violated a state procurement contract or a statutory provision governing state procurement. Any party on the list is ineligible for an award of a state contract unless DOA removes the party from list after DOA determines that the party complies with the statutory provisions and has adequate safeguards to prevent future contractual or statutory violations.

**\*\*\* ANALYSIS FROM -1267/P1 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

**\*\*\* ANALYSIS FROM -1272/P3 \*\*\***

**OCCUPATIONAL REGULATION**

Under current law, DRL directly administers the regulation of real estate practice in Wisconsin. DRL's duties and powers include issuing licenses to real estate brokers and sales persons; issuing registrations to time-share salespersons; approving forms for use in real estate practice, including an offer to purchase; promulgating rules regulating real estate practice; developing and grading real estate examinations; approving continuing education courses; preparing written materials and conducting clinics to disseminate information to licensees; entering into reciprocity agreements with other states; and, if DRL receives credible evidence that a real estate broker or salesperson or a time-share salesperson has violated real estate law, conducting investigations, holding hearings, and making findings regarding that violation.

There is a real estate board (board) under current law. The board conducts disciplinary proceedings, and the board has the power to apply appropriate discipline. The board also reviews and comments on administrative rules relating to real estate practice that DRL proposes; may participate in public hearings

regarding proposed rules; may review proposed legislation regarding real estate practice; and advises the secretary of DRL regarding real estate practice.

This bill eliminates the board, and creates the Real Estate Examining Board. Under the bill, the Real Estate Examining Board consists of five licensed real estate brokers or salespersons and two public members, each of whom is appointed to a four-year term. The bill transfers most of DRL's duties and powers regulating real estate practice to the Real Estate Examining Board, including rules promulgation and approval of the forms used in real estate practice.

**\*\*\* ANALYSIS FROM -1279/3 \*\*\***

## **EDUCATION**

### **PRIMARY AND SECONDARY EDUCATION**

This bill directs DPI, working with the office of the governor, to establish a student information system to collect and maintain information about public school pupils, including their academic performance and demographic information, aggregated by school district, school, and teacher. DPI may not spend any moneys appropriated for the system unless its annual expenditure plan is approved by the governor. The bill requires DPI to charge a fee to any school district that uses the system and authorizes DPI to charge a fee to any other person that uses the system.

**\*\*\* ANALYSIS FROM -1283/3 \*\*\***

## **TAXATION**

### **INCOME TAXATION**

Under current law, there is an income tax exclusion for individuals for 30 percent of the net capital gains realized from the sale of assets held for at least one year, except a farm asset is subject to an exclusion for 60 percent of such gains.

Under this bill, and subject to some exceptions, for taxable years beginning after December 31, 2015, an individual; an individual partner or member of a partnership, limited liability company, or limited liability partnership; or an individual shareholder of a tax-option corporation (claimant) may subtract from federal adjusted gross income the lesser of the claimant's federal net capital gain as reported on the claimant's federal tax return if, in that year, the claimant had a qualifying gain, or the claimant's qualifying gain.

The bill defines "qualifying gain" as the gain realized by the sale of any asset that is purchased after December 31, 2010, held for at least five consecutive years, is a Wisconsin capital asset at the time of purchase and for at least two of the next four years, and treated as a long-term gain under federal law. A "Wisconsin capital asset" is real or tangible personal property that is located in this state and used in a Wisconsin business, or stock or other ownership interest in a Wisconsin business. Under the bill, a business may apply to the Wisconsin Economic Development Corporation (corporation) for annual certification. The corporation may certify a business if it determines that, in the taxable year ending immediately before the date of the business's application, at least 50 percent of the business's payroll is paid in Wisconsin and at least 50 percent of the value of the business's real and tangible personal property is used by the business in this state. The bill permits the

corporation to adopt rules in consultation with DOR, and it requires the corporation to make a list of certified businesses available at the corporation's Web site.

**\*\*\* ANALYSIS FROM -1284/1 \*\*\***

**AGRICULTURE**

Under current law, DATCP administers the Farmland Preservation Program, which contains some of the requirements that a farmer must meet to qualify for the farmland preservation tax credit. Under current law, one requirement for qualifying for the farmland preservation tax credit is that the farmland must either be in a farmland preservation zoning district under a certified farmland preservation zoning ordinance or be covered by a farmland preservation agreement executed by DATCP.

Under current law, in order to rezone land out of a farmland preservation zoning district, a political subdivision must make several findings, including that the land is better suited for a use not allowed in a farmland preservation zoning district. Also under current law, a political subdivision with a certified farmland preservation ordinance may not rezone land out of a farmland preservation zoning district unless the person who requested the rezoning pays a conversion fee equal to the number of acres rezoned multiplied by three times the per acre value of the highest value of cropland in the city, village, or town in which the land is located, as determined by DOR for the purposes of use value assessment.

This bill eliminates the requirement that a person who requests that land be rezoned out of a farmland preservation zoning district pay a conversion fee.

Under current law, DATCP administers a program under which it, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use. Under the program, DATCP pays up to 50 percent of the cost of purchasing an easement and may pay up to the full amount the related transaction costs, such as the costs of land surveys and appraisals.

This bill eliminates the program for purchasing agricultural conservation easements.

**\*\*\* ANALYSIS FROM -1304/1 \*\*\***

**STATE GOVERNMENT**

**STATE EMPLOYMENT**

This bill authorizes the secretary of administration to abolish any full-time equivalent position at any state agency if the position is vacant and if the secretary determines that filling the position is not required for the state agency to carry out its duties and exercise its powers. Under the bill, "state agency" means any office, department, or independent agency in the executive branch of state government.

**\*\*\* ANALYSIS FROM -1308/P2 \*\*\***

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law, DOA provides access to data lines, video links, and increased bandwidth to certain eligible educational entities and facilities. The

Southern Oaks Girls School, the Ethan Allen School, and the Lincoln Hills School are juvenile correctional facilities that may receive that access for educational purposes. This bill deletes the Southern Oaks Girls School and the Ethan Allen School, and adds the Copper Lake School, as facilities that may receive that access.

Also under current law, DOC may, under certain circumstances, provide its employees with group transportation to the Ethan Allen School, the Taycheedah Correctional Institution, and the Fox Lake Correctional Institution. The bill deletes the Ethan Allen School as a destination for group transportation.

**\*\*\* ANALYSIS FROM -1309/P1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **HEALTH**

Under current law, the State Laboratory of Hygiene Board sets fees for testing infants for congenital disorders. Under this bill, DHS is authorized to set fees for testing infants for congenital disorders by administrative rule.

**\*\*\* ANALYSIS FROM -1310/1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **HEALTH**

Under current law, the fees that a health care provider may charge for copies of patient health care records are set by statute. This bill eliminates statutory fees for copies of patient health care records and requires that DHS promulgate rules to establish maximum fees that a health care provider may charge for copies of patient health care records under certain circumstances.

**\*\*\* ANALYSIS FROM -1320/1 \*\*\***

## **ENVIRONMENT**

### **SOLID AND HAZARDOUS WASTE**

Under current law, the main sources of revenue for the recycling and renewable energy fund are the recycling tipping fee and the recycling surcharge. The recycling tipping fee is one of several fees, often called tipping fees, that are based on the weight of solid waste disposed of at a landfill or other waste disposal facility. Currently, the recycling tipping fee is \$7 per ton of solid waste disposed of, other than certain kinds of high-volume industrial waste. The recycling surcharge is imposed on businesses that have at least \$4,000,000 in gross receipts. The minimum annual surcharge is \$25 and the maximum annual surcharge is \$9,800.

This bill renames the recycling and renewable energy fund to be the economic development fund and renames the recycling surcharge to be the economic development surcharge. Under the bill, \$4 per ton of the recycling tipping fee is deposited in the economic development fund and \$3 per ton is deposited in the environmental fund. The bill also changes the current appropriations from the recycling and renewable energy fund that are for purposes related to the environment to be from the environmental fund.

**\*\*\* ANALYSIS FROM -1321/2 \*\*\***

## HEALTH AND SOCIAL SERVICES

### CHILDREN

Under current law, certain federal Medical Assistance (MA) moneys that are received in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of the federal Social Security Act (Title IV-E) are appropriated to DCF and used to support the costs of augmenting the amount of moneys received under Title IV-E (income augmentation activities) and of implementing the statewide automated child welfare information system (SACWIS) and to provide services to children and families. This bill appropriates those federal MA moneys to DHS, directs those moneys to be transferred to a new appropriation of DCF created under the bill, and directs those moneys to be used to support the costs of income augmentation activities and of implementing SACWIS and to provide services to children and families.

Under current law, certain Title IV-E moneys that are received as the result of income augmentation activities are appropriated to DCF and used for those activities. This bill eliminates that appropriation and the use of those moneys for those activities.

#### \*\*\* ANALYSIS FROM -1322/2 \*\*\*

#### STATE GOVERNMENT

##### OTHER STATE GOVERNMENT

Currently, DOA may maintain a federal-state relations office in Washington, D.C., for the purpose of promoting federal-state cooperation. The director and one staff assistant are appointed by the governor, subject to concurrence of the Joint Committee on Legislative Organization. This bill deletes the requirement for concurrence in these appointments by the joint committee.

#### \*\*\* ANALYSIS FROM -1323/P1 \*\*\*

#### LOCAL GOVERNMENT

This bill authorizes a county board to direct its clerk of courts to operate a self-help center in the county courthouse to provide individuals with information regarding the court system. The information provided may include guidance on small claims and family law proceedings, where to obtain legal advice and forms, and how to represent oneself in court. A self-help center may be staffed by county employees or volunteers, although no staff member may provide legal advice to self-help center patrons. The bill also authorizes a county to impose a fee on individuals who use the services provided by a self-help center.

#### \*\*\* ANALYSIS FROM -1324/P1 \*\*\*

## HEALTH AND HUMAN SERVICES

### OTHER HEALTH AND HUMAN SERVICES

Under current law, a county with a population of less than 500,000 must establish a county department of social services to provide certain services, including services related to children and families and juvenile justice, and such a county may establish a county department of human services to provide a fuller range of human



services. A county with a population of 500,000 or more must establish a department of social services and a department of human services. Two or more counties that are contiguous and that each have a population of less than 500,000 may combine to form a department of social services or a department of human services on a multicounty basis. There is no multicounty option for counties with a population of 500,000 or more.

This bill authorizes noncontiguous counties and counties with populations of 500,000 or more to combine to form a department of social services or a department of human services on a multicounty basis.

Also under current law, contiguous counties may combine to establish a county department of community programs, and adjacent counties may establish a county department of developmental disabilities services, on a multicounty basis. The bill authorizes noncontiguous, nonadjacent counties to combine to establish those departments.

Finally, current law provides that a county may combine with another county to establish a county health department on a multicounty basis. The bill specifies that two or more counties may establish a multicounty health department.

**\*\*\* ANALYSIS FROM -1325/2 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **HEALTH**

Under current law, DHS administers the Senior Care program, which provides assistance to the elderly in the purchase of prescription drugs. To be eligible for Senior Care, a person must be a resident of the state, be at least 65 years of age, not be a recipient of prescription drug coverage through Medical Assistance, have a household income that does not exceed 240 percent of the federal poverty line, and pay a program enrollment fee. This bill adds as a requirement for eligibility for Senior Care that the person must apply for and, if eligible, enroll in Medicare Part D, which is a federal prescription drug assistance program.

**\*\*\* ANALYSIS FROM -1328/3 \*\*\***

## **ENVIRONMENT**

### **WATER QUALITY**

Under current law, DNR is required to promulgate rules prescribing performance standards for facilities or practices that cause, or have the potential to cause, nonpoint source water pollution. Nonpoint source water pollution is water pollution that does not result from a discernible, confined, and discrete conveyance such as a pipe, well, or concentrated animal feeding operation.

This bill requires DNR to repeal and recreate its nonpoint source water pollution rules effective 90 days after this bill's effective date. The bill specifies that the rules may not be more stringent than the requirements under the federal Water Pollution Control Act. The bill also specifies that, to the extent allowed under federal law, if DNR's rules establish a deadline by fixing a date by which certain municipalities must achieve a minimum reduction in total suspended solids for runoff from existing development, the rules must also provide that the fixed-date

deadline does not apply to a municipality that determines that compliance with the deadline would have a significant adverse economic impact on that municipality.

**\*\*\* ANALYSIS FROM -1329/1 \*\*\***

## **ENVIRONMENT**

### **WATER QUALITY**

Under current law, DNR may promulgate rules that establish effluent limitations concerning the discharge of phosphorous (phosphorous rules) if the federal Environmental Protection Agency has not promulgated an effluent limitation, effluent standard, or prohibition concerning this type of discharge.

This bill prohibits DNR from promulgating or enforcing a phosphorous rule if the phosphorous rule establishes effluent limitations that are more stringent than the effluent limitations established by any of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

**\*\*\* ANALYSIS FROM -1330/P1 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **HEALTH**

Under current law, DHS provides funding to provide family planning services, including maintaining a state plan for community-based family planning programs and specific annual grants such as \$225,000 to establish and maintain two city-based clinics for delivery of family planning services in Milwaukee, Racine, or Kenosha. This bill eliminates funding for family planning services.

**\*\*\* ANALYSIS FROM -1343/1 \*\*\***

## **EDUCATION**

### **OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, to participate in a public library system a municipal, county, or joint public library (local library) or a county must meet a maintenance of effort requirement. A county must maintain its financial support for library services at a level not lower than the average support of the previous three years. A local library must receive total funding from its governing body in an amount of not less than the average amount of the previous three years. This bill repeals these maintenance of effort requirements.

**\*\*\* ANALYSIS FROM -1345/P4 \*\*\***

## **EDUCATION**

### **PRIMARY AND SECONDARY EDUCATION**

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage

change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2011-12 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil did not attend a private school participating in the MPCP at any time in the 2010-11 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

**\*\*\* ANALYSIS FROM -1348/P2 \*\*\***

### **STATE GOVERNMENT**

#### **PUBLIC UTILITY REGULATION**

Current law requires telecommunications providers, with certain exceptions, to contribute to the Universal Service Fund (USF). The USF is used to promote universal access to telecommunications services and for other specified purposes. This bill requires the Legislative Audit Bureau to annually prepare a financial and performance evaluation audit of at least one program funded with the USF.

**\*\*\* ANALYSIS FROM -1350/P1 \*\*\***

### **JUSTICE**

Current law requires the attorney general to establish a bureau in DOJ for DOJ's gaming law enforcement responsibilities. This bill eliminates the requirement.

**\*\*\* ANALYSIS FROM -1351/P2 \*\*\***

### **JUSTICE**

Under current law, DOJ must impose a fee for a criminal history search that is not related to criminal justice or to a handgun purchase. DOJ must impose a \$7 fee for each search requested by a nonprofit organization, a \$7 fee for each search requested by a governmental agency, and a \$13 fee for each search requested by any other person. Under this bill the fee for such a request from anyone is \$7.

**\*\*\* ANALYSIS FROM -1356/1 \*\*\***

Generally under current law a village with a population of at least 5,000 is required to provide police protection services by creating its own police department, by contracting for police protection services with a city, village, town, or county, or by creating a joint police department with another city, village, or town. Also under current law, in general, a village with a population of at least 5,500 is required to provide fire protection services by creating its own fire department, by contracting for fire protection services with a city, village, or town, or by creating a joint fire department with another city, village, or town.

Current law also authorizes any village to provide police and fire protection services in one of two additional ways. The first way is by using a combined protective services department, which is neither a police department nor a fire

department, which was created before January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties, subject to some limitations on consecutive hours that may be worked in police protection. The second way is by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform police protection and fire protection duties, subject to some limitations on consecutive hours that may be worked in police protection and subject to the limitation that those persons were required to perform those duties before January 1, 1987. In either case, the village may designate any person required to perform police protection and fire protection duties as primarily a police officer or fire fighter for purposes related to presumptions related to certain employment-related diseases.

Generally under current law, 2nd, 3rd, and 4th class cities (presently all cities other than Milwaukee) with populations of at least 4,000 must have police departments and fire departments, and may have joint departments with other cities, villages, or towns. Such cities are generally required to have a board of police and fire commissioners, which appoint the police and fire chiefs who, in turn, appoint subordinates subject to approval by the board. Current law also authorizes a city to abolish its police department if it enters into a contract with a county under which the sheriff provides law enforcement services to the city.

Under a decision of the Wisconsin Supreme Court, *Local Union No. 487, IAFF-CIO, v. City of Eau Claire*, 147 Wis. 2d 519 (1989), cities may not create combined protective services departments or require persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform police protection and fire protection duties.

This bill authorizes 2nd, 3rd, and 4th class cities, and towns, to provide police and fire protection services in the same two additional ways that villages may do so, either by creating a combined protective services department which is neither a police department nor a fire department and in which the same person may be required to perform police protection and fire protection duties, or by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform police protection and fire protection duties. The bill also removes the limitations on villages relating to the creation of a department, and the requirement relating to the performance of duties, before January 1, 1987.

Under the bill, cities, villages, and towns may designate any person who is required to perform police protection and fire protection duties as primarily a police officer or fire fighter for purposes relating to rest days, consecutive hours worked, hours of labor, rules for leaving the city, and presumptions related to certain employment-related diseases. These requirements and limitations that apply to persons designated as primarily a police officer or fire fighter under the bill apply to police officers and fire fighters under current law. If a city creates a combined protective services department, the city must create a chief of the department and must abolish the offices of chief of police and fire chief. The chief of a combined

protective services department has the same authority as the chief of police and fire chief had.

**\*\*\* ANALYSIS FROM -1357/2 \*\*\***

**TAXATION**

**INCOME TAXATION**

Under current law, there are five income tax brackets for single individuals, certain fiduciaries, heads of households, and married persons. The brackets are indexed for inflation. The rate of taxation under current law for the lowest bracket for single individuals, certain fiduciaries, heads of households, and married persons is 4.6 percent of taxable income; the rate for the second bracket is 6.15 percent; the rate for the third bracket is 6.5 percent; the rate for the fourth bracket is 6.75 percent; and the rate for the highest bracket, which was created in the 2009-11 biennial budget act, 2009 Wisconsin Act 28, is 7.75 percent.

With regard to taxable year 2010, for single individuals, certain fiduciaries, and heads of households, for example, the lowest bracket applies to taxable income of over \$0 up to \$10,070; the second bracket applies to taxable income over \$10,070 up to \$20,130; the third bracket applies to taxable income over \$20,130 up to \$151,000; the fourth bracket applies to taxable income over \$151,000 up to \$221,660; and the fifth, or top, bracket applies to taxable income over \$221,660.

For taxable years beginning on January 1, 2012, this bill eliminates the fifth bracket. For taxable year 2012, with regard to single individuals, certain fiduciaries, and heads of households, for example, the fourth, or top, bracket of 6.75 percent will apply to taxable income over approximately \$151,000, as indexed for inflation. Also under the bill, beginning in taxable year 2013, the rates of taxation are reduced over a five-year period. The total rate reduction in each bracket is approximately 2.5 percent at the end of the five-year phase in period.

Under the bill, the tax rate in the lowest bracket is reduced from 4.60 percent in 2012 to 4.58 percent in 2013; 4.56 percent in 2014; 4.54 percent in 2015; 4.52 percent in 2016; and 4.50 percent in 2017 and beyond. The rate in the fourth, or top, bracket is reduced from 6.75 percent in 2012 to 6.72 percent in 2013; 6.69 percent in 2014; 6.66 percent in 2015; 6.63 percent in 2016; and 6.60 percent in 2017 and beyond. The brackets will continue to be indexed for inflation as is the case under current law.

**\*\*\* ANALYSIS FROM -1362/1 \*\*\***

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, moneys are appropriated from the normal school fund to DPI for an environmental education consultant. This bill eliminates this appropriation.

**\*\*\* ANALYSIS FROM -1363/1 \*\*\***

**AGRICULTURE**

Current law requires DATCP to increase awareness and consumption of locally produced foods and to increase the production and improve the distribution of foods for local consumption. DATCP also administers the Buy Local Grant Program, which

provides funds for projects designed to increase the local sale of food grown in this state.

This bill eliminates the provisions concerning the promotion of locally produced foods.

**\*\*\* ANALYSIS FROM -1372/2 \*\*\***

**TRANSPORTATION**

**TRANSPORTATION AIDS**

Under current law, DOT administers an intercity bus assistance program. Under the program, DOT may make grants to cities, villages, towns, or counties or enter into contracts with private providers of intercity bus service for the purpose of increasing the availability of intercity bus service in this state. This bill eliminates the grant portion of the program.

**\*\*\* ANALYSIS FROM -1375/1 \*\*\***

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, the Medical Assistance (MA) program provides family planning as a benefit to its recipients. DHS is required to implement any waiver it receives from the federal secretary of the Department of Health and Human Services to provide family planning services under MA to women between the ages of 15 and 44 whose family income is not more than 200 percent of the federal poverty level. Currently, DHS may request a waiver to conduct and may implement a project to provide family planning services under MA to men between the ages of 15 and 44 whose family income is not more than 200 percent of the federal poverty level. This bill eliminates the ability on January 1, 2012, for DHS to request a waiver to conduct or to implement a project providing family planning services under MA to men.

**\*\*\* ANALYSIS FROM -1379/P1 \*\*\***

**EDUCATION**

**HIGHER EDUCATION**

Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. One of the exemptions applies to an alien who is not a legal permanent resident of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. This bill eliminates the foregoing nonresident tuition exemption.

Current law also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college. This bill eliminates that provision.

**\*\*\* ANALYSIS FROM -1384/2 \*\*\***  
**TRANSPORTATION**

**HIGHWAYS**

Under current law, the state may contract up to \$225,000,000 in public debt to fund major interstate bridge projects. A major interstate bridge project is defined to mean "a project involving the construction or reconstruction of a bridge on the state trunk highway system, including approaches, that crosses a river forming a boundary of the state and for which this state's estimated cost share is at least \$100,000,000." Under current law, DOT may not encumber or expend any funds collected under this bonding authorization unless the state receives federal funds that are designated by the federal government for a major interstate bridge project and that cover at least \$75,000,000 of the state's share of the project's cost. This bill eliminates the requirement that the state receive federal funds covering a portion of the project's cost before expending or encumbering funds collected under the bonding authorization.

**\*\*\* ANALYSIS FROM -1388/1 \*\*\***  
**TRANSPORTATION**

**OTHER TRANSPORTATION**

The 2009 Biennial Budget Act (Act 28) authorized the creation of several new regional transit authorities (RTAs): the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA. Each RTA, once created, is a public body corporate and politic and a separate governmental entity. An RTA's authority is vested in its board of directors, and its bylaws govern its management, operations, and administration. Among its powers, an RTA may operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the gross receipts or sales price if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA has a duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.

This bill requires that an RTA hold a referendum in the RTA's jurisdictional area, in which imposition of the sales and use tax is approved, before the RTA may impose a sales and use tax within its jurisdictional area.

Act 28 also created the Southeastern Regional Transit Authority (SERTA) as a successor entity to what was often referred to as the KRM authority. SERTA is a public body corporate and politic and a separate governmental entity; it consists of the counties of Kenosha, Racine, and Milwaukee. The jurisdictional area of SERTA is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee. The powers of SERTA are vested in its board of directors. SERTA's powers are limited but include all powers necessary and

convenient to create, construct, and manage a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee (KRM commuter rail line). Upon approval by its board of directors, SERTA may impose a rental car transaction fee in the counties of Kenosha, Racine, and Milwaukee.

This bill requires that SERTA hold a referendum in the counties of Kenosha, Racine, and Milwaukee, in which imposition of the rental car transaction fee is approved in each county, before SERTA may impose the rental car transaction fee in these counties.

**\*\*\* ANALYSIS FROM -1389/1 \*\*\***

**TRANSPORTATION**

**TRANSPORTATION AIDS**

Under current law, DOT administers a Southeast Wisconsin Transit Capital Assistance Program under which DOT awards grants to eligible applicants for transit capital improvements. The only eligible applicant for this program is the Southeastern Regional Transit Authority, often referred to as SERTA. The only source of funding for the program is proceeds from general obligation bonds issued by the state. The state may contract public debt up to \$100,000,000 for purposes of the program.

This bill eliminates the program and bonding authority for the program.

**\*\*\* ANALYSIS FROM -1398/1 \*\*\***

**STATE GOVERNMENT**

**STATE FINANCE**

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal year 2011-12, the amount is \$65,000,000; for fiscal year 2012-13, the amount is \$65,000,000; and for each fiscal year thereafter, the amount is 2 percent of total general purpose revenue appropriations for that fiscal year.

This bill provides that for fiscal years 2013-14 and 2014-15, the amount is \$65,000,000; and for 2015-16 and each fiscal year thereafter, the amount is 2 percent of total general purpose revenue appropriations for that fiscal year.

**\*\*\* ANALYSIS FROM -1399/3 \*\*\***

**EDUCATION**

**HIGHER EDUCATION**

This bill directs the Board of Regents of the UW System to submit a plan to the secretary of administration by October 1, 2012, for the conversion of the UW-Milwaukee to an authority. The board must allocate \$250,000 for development of the plan and must submit a plan to the secretary of administration specifying how it will allocate the funds by October 1, 2011.

**\*\*\* ANALYSIS FROM -1402/P1 \*\*\***



## EDUCATION

### HIGHER EDUCATION

The bill appropriates to the Board of Regents (board) of the UW System for general program operations of the university system administration, in fiscal years 2011-12 and 2012-13, amounts that are reduced from the amounts appropriated in fiscal years 2010-11 and 2011-12. The bill requires the board to submit to the secretary of administration, no later than October 1, 2011, a plan specifying the board's preferences for allocating the reduction among such general program operations. The bill allows the secretary of administration to approve or modify the plan and requires the board to implement the plan as approved or modified by the secretary of administration.

\*\*\* ANALYSIS FROM -1403/3 \*\*\*

## TRANSPORTATION

### HIGHWAYS

Under current law, the Transportation Projects Commission (TPC) consists of the governor, three citizen members, and ten members of the legislature. The secretary of transportation serves as a nonvoting member of the TPC and the governor serves as chairperson of the TPC.

Under current law, DOT administers a major highway projects program. With certain exceptions, a major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes five miles or more in length to the highway; or improvement of an existing multilane, divided highway to freeway standards. Any major highway project, unlike other highway construction projects undertaken by DOT, must generally receive the approval of the TPC and the legislature (generally referred to as "enumeration") before the project may be constructed. DOT may not begin preparing an environmental impact statement (EIS) or environmental assessment (EA) for a potential major highway project without TPC approval. The TPC may not recommend approval of any major highway project unless the TPC has been notified that a final EIS or EA for the project has been approved by the Federal Highway Administration. The legislature may not enumerate any major highway project unless the TPC has recommended approval of the project. If these pre-conditions are satisfied, DOT may perform preliminary engineering and design work for a major highway project but may not undertake construction of the project until the legislature has enumerated the project by statute. The major highway projects program is funded from state, federal, and local funds appropriations and bond proceeds.

Under current law, southeast Wisconsin freeway rehabilitation projects include the reconditioning, reconstruction, or resurfacing of, or adding one or more lanes to, a state trunk highway, located in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, or Waukesha county, that has four or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by limiting access to interchanges only. A project may not be considered both a major

highway project and a southeast Wisconsin freeway rehabilitation project. Southeast Wisconsin freeway rehabilitation projects, which include the Marquette interchange reconstruction project, the I 94 north-south corridor project, and the Zoo interchange project in Milwaukee County, may be funded only from appropriations specifically designated for such projects or from bond proceeds. Southeast Wisconsin freeway rehabilitation projects that involve adding at least one lane five miles or more in length cannot be funded from state, federal, and local funds appropriations without legislative approval, accomplished through statutory enumeration. Only the reconstruction of the I 94 north-south corridor project and the Zoo interchange have been so enumerated. After June 30, 2011, funding under the state, federal, and local funds appropriations for southeast Wisconsin freeway rehabilitation projects terminates, but bond proceeds may still be used to fund these projects.

In addition to the major highway projects program and the southeast Wisconsin freeway rehabilitation program, DOT administers a state highway rehabilitation program. This program provides funding for state highway improvements that are not major highway projects or southeast Wisconsin freeway rehabilitation projects. The program is funded from state, federal, and local funds appropriations and bond proceeds.

This bill modifies the definition of "major highway project" to recognize two categories of major highway projects. In the first category, a major highway project is defined as under current law except that the total cost threshold is increased by the bill from \$5,000,000 to \$30,000,000. In the second category, with certain exceptions, a major highway project is a project having a total cost of at least \$75,000,000. For both categories of major highway projects, the total cost threshold is adjusted annually by DOT based on an inflation index maintained by DOT. The bill maintains the current TPC review and approval process for major highway projects in the first category but creates a new TPC review and approval process for major highway projects in the second category. Under the bill, DOT may prepare an EIS or EA for a major highway project in the second category without TPC approval. However, prior to construction of the project, DOT must submit a report to the TPC and request TPC approval to proceed with the project. If the chairperson of the TPC does not notify DOT within 14 working days after this request for approval is submitted that the TPC has scheduled a meeting for the purpose of reviewing the request, the request is considered approved and DOT may proceed with the project. If, within 14 working days after DOT submits the request, the chairperson of the TPC notifies DOT that the TPC has scheduled a meeting for the purpose of reviewing the request, DOT may implement the request only as approved by the TPC. DOT may not proceed with construction of a major highway project in the second category unless the project is approved, implicitly or explicitly, by the TPC under this passive review process. Once approved by the TPC, the project is considered "enumerated" as a major highway project under the statutes. With respect to major highway projects in the first category, the bill also allows DOT to perform engineering and design work, not limited to preliminary engineering and design work, for a major highway project prior to its statutory enumeration by the legislature.

The bill also creates a new category of highway projects called "southeast Wisconsin freeway megaprojects," which are projects on southeast Wisconsin freeways that have a total cost of more than \$500 million, as adjusted for inflation annually by DOT. These projects may be funded only from newly created state, federal, and local funds appropriations for these projects, along with bond proceeds and an existing insurance cost-recovery appropriation. No funding for construction of these projects may be provided without legislative approval by means of statutory enumeration. The bill enumerates the I 94 north-south corridor project and the Zoo interchange project as southeast Wisconsin freeway megaprojects. This bill also authorizes proceeds from certain general obligation bonding to be used to fund southeast Wisconsin freeway megaprojects.

Under this bill, southeast Wisconsin freeway rehabilitation projects may also be considered major highway projects, eligible for major highway project funding, if they satisfy all criteria and requirements for major highway projects, including approval through the TPC process and statutory enumeration. A southeast Wisconsin freeway rehabilitation project that is not a major highway project and not a southeast Wisconsin freeway megaproject may be eligible for state highway rehabilitation funding. However, a southeast Wisconsin freeway rehabilitation project cannot also be considered a southeast Wisconsin freeway megaproject.

**\*\*\* ANALYSIS FROM -1404/1 \*\*\***

## **STATE GOVERNMENT**

### **OTHER STATE GOVERNMENT**

Current law defines the practice of pharmacy to include making therapeutic alternate drug selections, if made in accordance with written guidelines or procedures established by a hospital's pharmacy and therapeutics committee and approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber.

Under the bill, therapeutic alternate drug selections must be made in accordance with guidelines or procedures established by a hospital's pharmacy and therapeutics committee or by a skilled nursing facility or an intermediate care facility for persons with mental retardation. The bill deletes the requirement that guidelines or procedures established by a hospital's pharmacy and therapeutics committee be approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber.

**\*\*\* ANALYSIS FROM -1409/P1 \*\*\***

## **TAXATION**

### **INCOME TAXATION**

Under current law, as created in the 2009-10 biennial budget bill, for taxable years beginning after December 31, 2010, an individual; an individual partner or member of a partnership, limited liability company, or limited liability partnership; or an individual shareholder of a tax-option corporation (claimant) may elect to defer the payment of income taxes on up to \$10,000,000 of the gain realized from the sale of any capital asset held more than one year (original asset) that is treated as a

long-term gain under the Internal Revenue Code, if the claimant completes a number of requirements.

This bill creates another income tax deferral under which a claimant may elect to defer the payment of income taxes on any amount of the gain realized from the sale of any capital asset held more than one year (original new asset) that is treated as a long-term gain under the Internal Revenue Code, if the claimant completes a number of requirements.

Current law requires that the claimant must place the gain from the original asset in a segregated account in a financial institution, must invest all of the proceeds in a qualified new business venture (QNBV) as certified by the Department of Commerce (Commerce), within 180 days after the sale of the original asset that generated the gain, and must notify DOR on a form prepared by DOR that the claimant is deferring the payment of income tax on the gain from the original asset because the proceeds have been reinvested. The claimant must send the form to DOR with the claimant's income tax return for the year to which the claim relates. The amount of the investment must be equal to or greater than the gain generated by the sale of the original asset.

The requirements under the bill are the same as current law with regard to placing the original new asset in a segregated account in a financial institution and notifying DOR, but under the bill a claimant must invest all of the proceeds in a qualified Wisconsin business (QWB) as certified by the Wisconsin Economic Development Corporation (corporation), within 180 days after the sale of the original new asset that generated the gain, instead of in a QNBV.

Under current law, a business may be certified as a QNBV by Commerce if the business is engaged in developing a new product or business process, manufacturing, agriculture, or processing or assembling products and conducting research and development, except that Commerce may not certify a business engaged in certain activities, including real estate development, insurance, banking, lobbying, wholesale or retail sales, leisure, hospitality, transportation, or construction.

The corporation may certify a business if it determines that, in the taxable year ending immediately before the date of the business's application, at least 50 percent of the business's payroll is paid in Wisconsin and at least 50 percent of the value of the business's real and tangible personal property is used by the business in this state. The bill permits the corporation to adopt rules in consultation with DOR, and it requires the corporation to make a list of certified businesses available at the corporation's Web site.

Under the bill, a claimant may not claim the deferral under this bill if the claimant also claims the current law deferral or the capital gains exclusion for Wisconsin-sourced assets, as created in this bill.

\*\*\*\*NOTE: If LRB -1283 is not included in the compile for the Governor's budget, the analysis and numbering in this bill must be changed.

**\*\*\* ANALYSIS FROM -1428/1 \*\*\***

**STATE GOVERNMENT****STATE FINANCE**

This bill authorizes the building commission to contract up to \$364,300,000 in state public debt to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities. Such refunded debt must be contracted before July 1, 2013.

**\*\*\* ANALYSIS FROM -1442/1 \*\*\***

**NATURAL RESOURCES****RECREATION**

Under current law, a person who owns a snowmobile that is not registered in this state or is exempt from registration must display a trail use sticker issued by DNR on the snowmobile. The fee for this sticker is \$35. Current law also requires DNR to calculate an amount equal to the number of trail use stickers issued by DNR in the previous fiscal year multiplied by \$15 and to credit this amount to an appropriation account that funds aids to counties for activities such as trail development and maintenance. This bill increases the amount by which DNR must multiply the number of trail use stickers from \$15 to \$32 for purposes of determining the amount to be credited to this appropriation account.

**\*\*\* ANALYSIS FROM -1448/1 \*\*\***

**STATE GOVERNMENT****OTHER STATE GOVERNMENT**

Currently, with limited exceptions, any person who brings a civil lawsuit against a state employee on account of any act growing out of or committed in the course of the employee's duties must give the attorney general notice of the claim within 120 days of the act giving rise to the lawsuit and liability is limited to \$250,000. In addition, with certain limitations, this state must pay damages assessed against a state employee for acts committed while carrying out his or her duties as an employee within the scope of employment.

This bill provides that if this state enters into a valid agreement with the state of Minnesota providing for interchange of employees or services, any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of this state who is named as defendant as a result of performing services for the state of Minnesota under such an agreement is considered to have the same status as when performing the same services for this state in any civil lawsuit brought under the laws of this state for purposes of notice of claim requirements and liability limitations. In addition, the bill provides that any employee of the state of Minnesota who is named as a defendant in a civil lawsuit and who is found liable as a result of performing services for this state under such an agreement shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state under Wisconsin law. The bill also directs DOJ to represent any employee of the state of Minnesota who is named as a defendant in any civil lawsuit brought under Wisconsin law as a result of performing services for this state under such an agreement and any employee of

this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any civil lawsuit brought under Wisconsin law. In addition, the bill permits the attorney general to compromise and settle any such lawsuit in accordance with current law permitting such compromises and settlements.

**\*\*\* ANALYSIS FROM -1450/2 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill creates the Office of Business Development in DOA. The office is headed by a director outside the classified service who is appointed by the governor to serve at his or her pleasure. The bill also creates the position of deputy director of the office, outside the classified service, who is also appointed by the governor to serve at his or her pleasure. The bill provides that the office shall perform the functions determined by the secretary of administration.

**\*\*\* ANALYSIS FROM -1470/1 \*\*\***

**TRANSPORTATION**

**HIGHWAYS**

Under current law, major highway projects and state highway rehabilitation projects may be funded from various sources, including bond proceeds. Various provisions of current law authorize specific maximum levels of general obligation bonding for these projects and the total authorized amount of general obligation bonding available for these projects is the cumulative amount specified in all of these provisions.

Under one of these provisions of current law, the state may contract up to \$60,000,000 in public debt to fund state highway rehabilitation projects. This bill increases this authorized general obligation bonding limit to \$110,000,000.

Under another of these provisions of current law, the state may contract up to \$50,000,000 in public debt to fund major highway projects. This bill increases this authorized general obligation bonding limit to \$100,000,000.

**\*\*\* ANALYSIS FROM -1471/2 \*\*\***

**STATE GOVERNMENT**

**STATE FINANCE**

Currently, the statutes contain a rule of proceeding that limits the increase in moneys that may be appropriated from general purpose revenues during a fiscal biennium. The limitation is based on changes in the state's aggregate personal income. This bill repeals this provision.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           \***-0778/3.1\*** SECTION 1. 11.26 (9) (a) and (b) of the statutes are amended to read:

2           11.26 (9) (a) Except as provided in par. (ba), no individual who is a candidate  
3 for state or local office may receive and accept more than 65 percent of the value of  
4 the total disbursement level determined under s. 11.31 or 11.511 (7) (a) for the office  
5 for which he or she is a candidate during any primary and election campaign  
6 combined from all committees subject to a filing requirement, including political  
7 party and legislative campaign committees.

8           (b) Except as provided in par. (ba), no individual who is a candidate for state  
9 or local office may receive and accept more than 45 percent of the value of the total  
10 disbursement level determined under s. 11.31 or 11.511 (7) (a) for the office for which  
11 he or she is a candidate during any primary and election campaign combined from  
12 all committees other than political party and legislative campaign committees  
13 subject to a filing requirement.

14          \***-0778/3.2\*** SECTION 2. 11.506 (1) of the statutes is amended to read:

15          11.506 (1) An eligible candidate shall not accept private contributions other  
16 ~~than seed money contributions and qualifying contributions that the candidate~~  
17 ~~accepts during the exploratory period and the public financing qualifying period~~  
18 during the primary election campaign period in an aggregate amount exceeding the  
19 difference, if any, between the maximum amount of the public financing benefit for  
20 the primary election campaign period and the actual amount of the public financing  
21 benefit for that period paid to the eligible candidate. An eligible candidate shall not

1 accept private contributions during the election campaign period in an aggregate  
2 amount exceeding the difference, if any, between the maximum amount of the public  
3 financing benefit for the election campaign period and the actual amount of the  
4 public financing benefit for that period paid to the eligible candidate.

5       \*-0778/3.3\* SECTION 3. 11.51 (title) of the statutes is amended to read:

6       11.51 (title) **Certification** Certifications by candidate and board.

7       \*-0778/3.4\* SECTION 4. 11.51 (1m) of the statutes is created to read:

8       11.51 (1m) Upon determination of the number of eligible candidates who  
9 qualify for a public financing benefit for the primary election campaign period, the  
10 board shall determine the amounts of the public financing benefits that are payable  
11 to all eligible candidates in the primary election campaign period and the election  
12 campaign period by reserving a public financing benefit amount from the democracy  
13 trust fund for the election campaign period for 2 eligible candidates, if 2 or more  
14 candidates qualify to receive a public financing benefit for the primary election  
15 campaign period, or for one eligible candidate, if only one candidate qualifies to  
16 receive a public financing benefit for the primary election campaign period and, if  
17 there are insufficient moneys in the democracy trust fund to make full payment of  
18 all public financing benefits that are or may become payable for the primary and  
19 election campaign periods, by prorating the amounts of the public financing benefits  
20 to fully allocate all available moneys to the eligible candidates. If, on the day that  
21 the board makes its certification under sub. (3), there are additional moneys in the  
22 democracy trust fund that have become available for distribution to eligible  
23 candidates in the election campaign period, the board shall distribute the additional  
24 moneys in equal amounts to each eligible candidate at the spring election or, if there  
25 is only one eligible candidate, to that candidate alone, up to the maximum amount



1 of the public financing benefit for the spring election, as provided in s. 11.511 (3) and  
2 (6).

3 **\*-0778/3.5\* SECTION 5.** 11.51 (2) of the statutes is amended to read:

4 11.51 (2) The board shall certify ~~to the state treasurer~~ the name of each eligible  
5 candidate at the spring primary together with the amount of the public financing  
6 benefit payable to the candidate promptly after the candidate demonstrates his or  
7 her eligibility and, in any event, not later than 5 days after the end of the public  
8 financing qualifying period. ~~The state treasurer~~ Upon certification of an eligible  
9 candidate, the board shall immediately credit that candidate's account with a line of  
10 credit for the amount certified. No candidate may utilize a line of credit received  
11 under this subsection until the beginning of the primary election campaign period.

12 **\*-0778/3.6\* SECTION 6.** 11.51 (3) of the statutes is amended to read:

13 11.51 (3) The board shall certify ~~to the state treasurer~~ the name of each eligible  
14 candidate at the spring election together with the amount of the public financing  
15 benefit payable to the candidate not later than 48 hours after the date of the spring  
16 primary election for the office of justice, or the date that the primary election would  
17 be held if a primary were required. ~~The state treasurer~~ Upon certification of an  
18 eligible candidate, the board shall immediately credit that candidate's account with  
19 a line of credit for the amount certified. However, no candidate for a particular office  
20 shall receive a line of credit until all candidates for the office of justice who apply and  
21 qualify for a public financing benefit have been certified as eligible candidates.

22 **\*-0778/3.7\* SECTION 7.** 11.511 (1) of the statutes is amended to read:

23 11.511 (1) The ~~state treasurer~~ board shall provide to each eligible candidate  
24 who qualifies to receive a public financing benefit for the primary or election  
25 campaign period separate lines of credit for the public financing benefits payable to

1 the candidate for the primary and election campaign periods in the amounts  
2 specified in this section, subject to any required adjustment under s. 11.512 (2) or  
3 11.513 (2). An eligible candidate may use this public financing benefit to finance any  
4 lawful disbursements during the primary and election campaign periods to further  
5 the election of the candidate in that primary or election. An eligible candidate shall  
6 not use this public financing benefit to repay any loan, or in violation of ss. 11.502  
7 to 11.522 or any other applicable law.

8 **\*-0778/3.8\* SECTION 8.** 11.511 (1) of the statutes, as affected by 2011 Wisconsin  
9 Act .... (this act), is amended to read:

10 11.511 (1) The board shall provide to each eligible candidate who qualifies to  
11 receive a public financing benefit for the primary or election campaign period  
12 separate lines of credit for the public financing benefits payable to the candidate for  
13 the primary and election campaign periods in the amounts specified in this section,  
14 ~~subject to any required adjustment under s. 11.512 (2) or 11.513 (2).~~ An eligible  
15 candidate may use this public financing benefit to finance any lawful disbursements  
16 during the primary and election campaign periods to further the election of the  
17 candidate in that primary or election. An eligible candidate shall not use this public  
18 financing benefit to repay any loan, or in violation of ss. 11.502 to 11.522 or any other  
19 applicable law.

20 **\*-0778/3.9\* SECTION 9.** 11.511 (2) of the statutes is amended to read:

21 11.511 (2) ~~Except as provided in ss. 11.512 (2) and 11.513 (2), the~~ The maximum  
22 public financing benefit for a primary election campaign period is \$100,000, subject  
23 to adjustment under s. 11.51 (1m).

24 **\*-0778/3.10\* SECTION 10.** 11.511 (3) of the statutes is amended to read:

1       11.511 (3) ~~Except as provided in ss. 11.512 (2) and 11.513 (2), the~~ The maximum  
2       public financing benefit for an election campaign period is \$300,000, subject to  
3       adjustment under s. 11.51 (1m).

4       **\*-0778/3.11\* SECTION 11.** 11.511 (6) of the statutes is amended to read:

5       11.511 (6) Notwithstanding subs. (2) and (3), beginning on July 1, 2012, and  
6       every 2 years thereafter, the board shall modify the maximum public financing  
7       benefits provided for in subs. (2) and (3) to adjust for the change in the consumer price  
8       index, all items, U.S. city average, published by the U.S. department of labor for the  
9       preceding 2-year period ending on December 31.

10       **\*-0778/3.12\* SECTION 12.** 11.511 (7) (a) of the statutes is renumbered 11.511  
11       (7) and amended to read:

12       11.511 (7) ~~Except as provided in par. (b), no~~ No candidate for the office of justice  
13       who files an application for a public financing benefit and certification under s. 11.51  
14       (1) and who accepts a public financing benefit may make or authorize total  
15       disbursements in a campaign, beginning with the first day of the exploratory period  
16       and ending on the date of the spring election, to the extent of more than the maximum  
17       amounts specified in ss. 11.502 (2) and 11.508 (1), plus the amount specified in s.  
18       11.511 (3), as adjusted under s. 11.511 (6), and, if there is a primary for the office of  
19       justice, the amount specified in s. 11.511 (2), as adjusted under s. 11.511 (6).

20       **\*-0778/3.13\* SECTION 13.** 11.511 (7) (b) of the statutes is repealed.

21       **\*-0778/3.14\* SECTION 14.** 11.512 of the statutes is repealed.

22       **\*-0778/3.15\* SECTION 15.** 11.513 of the statutes is repealed.

23       **\*-0778/3.16\* SECTION 16.** 11.515 of the statutes is amended to read:

24       **11.515 Democracy trust fund.** The democracy trust fund shall be  
25       administered by the ~~state treasurer~~ government accountability board. The state

1 ~~treasurer board~~ shall establish an account within the fund for each eligible  
2 candidate.

3 **\*-0778/3.17\* SECTION 17.** 11.517 (1) of the statutes is amended to read:

4 11.517 (1) Notwithstanding s. 11.60 (1), if an eligible candidate makes  
5 disbursements that exceed the total amount of the public financing benefit allocated  
6 to the candidate for any campaign ~~and~~, the total qualifying and seed money  
7 contributions lawfully accepted by the candidate, and the total private contributions  
8 that the candidate may accept under s. 11.506 (1), the candidate may be required to  
9 forfeit not more than 10 times the amount by which the disbursements exceed the  
10 allocation that total.

11 **\*-0778/3.18\* SECTION 18.** 11.522 of the statutes is amended to read:

12 **11.522 Contributions to nonparticipating candidates.** A  
13 nonparticipating candidate may accept contributions from private sources ~~without~~  
14 ~~limitation, except that no person may make any contribution or contributions to a~~  
15 ~~nonparticipating candidate exceeding a total of \$1,000 during any campaign, subject~~  
16 to applicable limitations under s. 11.26.

17 **\*-1465/P3.1\* \*-1059/P3.1\* SECTION 19.** 13.099 (1) (a) of the statutes is  
18 amended to read:

19 13.099 (1) (a) ~~“Department”~~ “Authority” means the ~~department of commerce~~  
20 Wisconsin Housing and Economic Development Authority.

21 **\*-1465/P3.2\* \*-0805/P2.1\* SECTION 20.** 13.099 (1) (b) of the statutes is  
22 amended to read:

23 13.099 (1) (b) “State housing strategy plan” means the plan developed under  
24 s. ~~560.9802~~ 234.5602.

1           **\*-1465/P3.3\* \*-1059/P3.2\* SECTION 21.** 13.099 (2) (a) of the statutes is  
2 amended to read:

3           13.099 (2) (a) If any bill that is introduced in either house of the legislature  
4 directly or substantially affects the development, construction, cost, or availability  
5 of housing in this state, the ~~department~~ authority shall prepare a report on the bill  
6 within 30 days after it is introduced. The ~~department~~ authority may request any  
7 information from other state agencies, local governments or individuals, or  
8 organizations that is reasonably necessary for the ~~department~~ authority to prepare  
9 the report.

10           **\*-1465/P3.4\* \*-1059/P3.3\* SECTION 22.** 13.099 (2) (b) of the statutes is  
11 amended to read:

12           13.099 (2) (b) A bill that requires a report by the ~~department~~ authority under  
13 this section shall have that requirement noted on its jacket when the jacket is  
14 prepared. When a bill that requires a report under this section is introduced, the  
15 legislative reference bureau shall submit a copy of the bill to the ~~department~~  
16 authority.

17           **\*-1465/P3.5\* \*-1059/P3.4\* SECTION 23.** 13.099 (3) (title) of the statutes is  
18 amended to read:

19           13.099 (3) (title) FINDINGS OF THE ~~DEPARTMENT~~ AUTHORITY TO BE CONTAINED IN THE  
20 REPORT.

21           **\*-1465/P3.6\* \*-1059/P3.5\* SECTION 24.** 13.099 (3) (a) (intro.) of the statutes  
22 is amended to read:

23           13.099 (3) (a) (intro.) The report of the ~~department~~ authority shall contain  
24 information about the effect of the bill on housing in this state, including information  
25 on the effect of the bill on all of the following:

1           **\*-1465/P3.7\* \*-0805/P2.2\* SECTION 25.** 13.099 (3) (a) 5. of the statutes is  
2 amended to read:

3           13.099 (3) (a) 5. Housing costs, as defined in s. ~~560.9801~~ 234.5601 (3) (a) and  
4 (b).

5           **\*-1465/P3.8\* \*-1059/P3.6\* SECTION 26.** 13.099 (4) of the statutes is amended  
6 to read:

7           13.099 (4) ~~RULE MAKING AUTHORITY~~ RULES. The ~~department~~ authority may  
8 ~~promulgate~~ adopt any rules necessary for the administration of this section.

9           **\*-1213/1.1\* SECTION 27.** 13.101 (6) (a) of the statutes is amended to read:

10          13.101 (6) (a) As an emergency measure necessitated by decreased state  
11 revenues and to prevent the necessity for a state tax on general property, the  
12 committee may reduce any appropriation made to any board, commission,  
13 department, or the University of Wisconsin System, or to any other state agency or  
14 activity, by such amount as it deems feasible, not exceeding 25% of the  
15 appropriations, except appropriations made by ss. 20.255 (2) (ac), ~~(be)~~, (bh), (cg), and  
16 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),  
17 (aq), (ar), and (au), 20.435 (7) (a) and (da), and 20.437 (2) (a) and (dz) or for forestry  
18 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,  
19 village, town, or school district. Appropriations of receipts and of a sum sufficient  
20 shall for the purposes of this section be regarded as equivalent to the amounts  
21 expended under such appropriations in the prior fiscal year which ended June 30.  
22 All functions of said state agencies shall be continued in an efficient manner, but  
23 because of the uncertainties of the existing situation no public funds should be  
24 expended or obligations incurred unless there shall be adequate revenues to meet the  
25 expenditures therefor. For such reason the committee may make reductions of such

1 appropriations as in its judgment will secure sound financial operations of the  
2 administration for said state agencies and at the same time interfere least with their  
3 services and activities.

4 **\*-1187/P4.1\* SECTION 28.** 13.106 (title) of the statutes is amended to read:

5 **13.106 (title) ~~Medical College of Wisconsin and UW-Madison Medical~~**  
6 **~~School~~ school reports.**

7 **\*-1187/P4.2\* SECTION 29.** 13.106 (1) (intro.) of the statutes is amended to read:

8 13.106 (1) (intro.) The Medical College of Wisconsin and the University of  
9 Wisconsin-Madison Medical Wisconsin School of Medicine and Public Health shall  
10 biennially report to the governor and the joint committee on finance on the:

11 **\*-1187/P4.3\* SECTION 30.** 13.106 (2) of the statutes is amended to read:

12 13.106 (2) The Medical College of Wisconsin and the University of  
13 Wisconsin-Madison Medical Wisconsin School of Medicine and Public Health shall  
14 submit a biennial report containing financial summaries for the college and school  
15 to the governor and the joint committee on finance, in a consistent format and  
16 methodology to be developed in consultation with the medical education review  
17 committee under s. 39.16.

18 **\*-1187/P4.4\* SECTION 31.** 13.106 (3) (intro.) of the statutes is amended to read:

19 13.106 (3) (intro.) By October 15 of each even-numbered year, the Medical  
20 College of Wisconsin and the University of Wisconsin-Madison Medical Wisconsin  
21 School of Medicine and Public Health shall submit a report to the governor and to  
22 the chief clerk of each house of the legislature for distribution to the legislature under  
23 s. 13.172 (2) that provides information on all of the following:

24 **\*-1187/P4.5\* SECTION 32.** 13.172 (1) of the statutes, as affected by 2011  
25 Wisconsin Act 7, is amended to read:

1           13.172 (1) In this section, "agency" means an office, department, agency,  
2 institution of higher education, association, society, or other body in state  
3 government created or authorized to be created by the constitution or any law, that  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
6 ch. 37, 52, 231, 233, 234, 238, or 279.

      \*\*\*\*NOTE: Section 13.172 specifies the manner for state agencies to provide reports  
to the legislature that are required by other statutes. The above applies s. 13.172 to the  
UW.

7           **\*-1471/2.1\* SECTION 33.** 13.40 of the statutes is repealed.

8           **\*-1187/P4.6\* SECTION 34.** 13.40 (3) (i) 4. of the statutes is created to read:

9           13.40 (3) (i) 4. The Board of Trustees of the University of Wisconsin-Madison.

      \*\*\*\*NOTE: It's unnecessary to include the UW in s. 13.40 (3m), because the provision  
is obsolete.

10          **\*-1187/P4.7\* SECTION 35.** 13.48 (1) of the statutes is amended to read:

11          13.48 (1) POLICY. The legislature finds and determines that it is necessary to  
12 improve the adequacy of the public building facilities that are required by the various  
13 state agencies and the University of Wisconsin-Madison including the educational  
14 institutions, for the proper performance of their duties and functions, and that it is  
15 in the interest of economy, efficiency and the public welfare that such improvement  
16 be accomplished by means of a long-range public building program, with funds to be  
17 provided by successive legislatures. The long-range program shall include the  
18 necessary lands, new buildings, and all facilities and equipment required and also  
19 the remodeling, reconstruction, maintenance and reequipping of existing buildings  
20 and facilities, as determined by the building commission.

21          **\*-1187/P4.8\* SECTION 36.** 13.48 (1m) (b) of the statutes is amended to read:



1           13.48 (1m) (b) The long-range public building program shall recognize the  
2           importance of historic properties and shall include a program of preservation and  
3           restoration of those historic properties under the control of the state and the  
4           University of Wisconsin-Madison as provided in s. 44.41, including criteria for  
5           determining which historic properties should be preserved and restored.

6           **\*-1187/P4.9\* SECTION 37.** 13.48 (1m) (c) of the statutes is amended to read:

7           13.48 (1m) (c) The long-range public building program shall require the  
8           biennial review of each historic property under the control of the state and the  
9           University of Wisconsin-Madison to determine the current uses of the property and  
10          compliance by state agency compliancee agencies and the University of  
11          Wisconsin-Madison with the requirements of the long-range program.

12          **\*-1187/P4.10\* SECTION 38.** 13.48 (1m) (d) of the statutes is amended to read:

13          13.48 (1m) (d) The building commission shall allocate, from that portion of the  
14          state building program funding which is available to all state agencies and the  
15          University of Wisconsin-Madison, an amount of funds deemed necessary by the  
16          building commission for the preservation, restoration and maintenance of historic  
17          properties under the control of the state and the University of Wisconsin-Madison.

18          **\*-1187/P4.11\* SECTION 39.** 13.48 (2) (b) 2. of the statutes is amended to read:

19          13.48 (2) (b) 2. In the construction of all new buildings or additions to existing  
20          buildings used for housing state offices and constructed for general state purposes  
21          and not specially for the use of any particular state agency or the University of  
22          Wisconsin-Madison, the building commission shall function with respect to such  
23          construction in the same manner as other state agencies function with respect to  
24          buildings constructed for such agencies. The building commission shall fix the rental  
25          for all space in such buildings, and, notwithstanding any other statute, may remove

1 to any building any department housed in the state capitol. After the completion of  
2 such buildings, they shall be in the charge of the department of administration as  
3 provided by s. 16.84.

4 **\*-1221/2.1\* SECTION 40.** 13.48 (2) (b) 4. of the statutes is repealed.

5 **\*-1187/P4.12\* SECTION 41.** 13.48 (2) (d) of the statutes is repealed.

6 **\*-1187/P4.13\* SECTION 42.** 13.48 (2) (e) 2. of the statutes is amended to read:

7 13.48 (2) (e) 2. It is the intent of the legislature that it be given a complete  
8 picture of the results of its past decisions regarding the state's state building program  
9 which will serve as background for making further decisions.

10 **\*-1187/P4.14\* SECTION 43.** 13.48 (2) (g) of the statutes is amended to read:

11 13.48 (2) (g) The building commission shall review assessments on property of  
12 the state and the University of Wisconsin-Madison under s. 66.0703 (6).

13 **\*-1221/2.2\* SECTION 44.** 13.48 (2) (j) of the statutes is repealed.

14 **\*-1187/P4.15\* SECTION 45.** 13.48 (3) of the statutes is amended to read:

15 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the  
16 program, the moneys appropriated to the state building trust fund under s. 20.867  
17 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys  
18 shall be deposited into the state building trust fund. At such times as the building  
19 commission directs, or in emergency situations under s. 16.855 (16) (b), the governor  
20 shall authorize releases from this fund to become available for projects of state  
21 agencies or the University of Wisconsin-Madison and shall direct the department of  
22 administration to allocate from this fund such amounts as are approved for these  
23 projects. In issuing such directions, the building commission shall consider the cash  
24 balance in the state building trust fund, the necessity and urgency of the proposed  
25 improvement, employment conditions and availability of materials in the locality in